

U.S. Department of Justice
United States Attorney
Western District of New York

Further inquiries: (716)843-5814

138 Delaware Avenue
Buffalo, New York 14202

PRESS RELEASE

May 20, 2004

RE: UNITED STATES v. OWEN BYRNE, II

United States Attorney Michael A. Battle announced today the unsealing of a two count Indictment, charging Owen Byrne, II, age 43, of 4031 North Boston Road, Eden New York, with making false material statements to the federal grand jury, in violation of Section 1623 of Title 18 of the United States Code. Each count provides for a maximum penalty of five (5) years imprisonment, a fine of \$250,000.00, or both. It should be noted that the fact that a defendant has been charged with a crime . . . is merely an accusation and the defendant is presumed innocent until and unless proven guilty. (**Disciplinary Rule 7-107(B)(6)**).

Assistant U.S. Attorney Anthony M. Bruce stated that the Indictment charges that the defendant falsely told the grand jury that the source of a \$9,500 cash deposit the defendant made to his checking account on July 24, 1998 was cash he obtained by cashing mileage checks he received from the State of New York, and falsely telling the grand jury that his supervisors in the New York State Office of General Services directed him to authorize what were, in essence, double payments to a contractor on a New York

State fuel tank removal project that the contractor performed in the late 1990's.

The Indictment came out of the ongoing investigation of the tank removal contract being conducted by the New York State Inspector General's Office, under the direction of State Inspector General Jill Konviser-Levine, the Federal Bureau of Investigation, under the direction of Special Agent in Charge Peter Ahearn, the Criminal Investigation Division of the Internal Revenue Service under the direction of Special Agent in Charge Anne Marie Coons, and Special Agents of the Environmental Protection Agency.

The evidence was presented to the Grand Jury by Robert C. Moscati, Assistant United States Attorney. Anthony M. Bruce, Assistant United States Attorney will handle the trial of the case.

* * *